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February 21, 2023

**By ECF**

The Honorable Gabriel W. Gorenstein  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMORANDUM ENDORSED**

In Re: *New York City Policing During Summer 2020 Demonstrations*,  
No. 20 Civ. 8924 (CM) (GWG)  
This filing is related to all cases

Your Honor:

I am a Special Associate Counsel in the Special Federal Litigation Division of the New York City Law Department, and one of the attorneys assigned to the defense of the above-referenced matter. Defendants write to seek clarification of the Court's Order dated February 15, 2023 (the "Feb. 15<sup>th</sup> Order") (Docket No. 854).

Specifically, the Defendants are unclear as to what needs to be produced in redacted form with respect to Document # 32 and respectfully request the Court clarify the Feb. 15<sup>th</sup> Order as to this document. See Docket No. 854 at 7. The Feb. 15<sup>th</sup> Order states:

Document # 32: The three middle paragraphs are deliberative but the rest of the document is not because it provides information as to the process of transmitting the report. Accordingly Document # 32 shall be produced in redacted form.

Id.

Defendants are unable to identify which paragraphs the Court refers to in the Feb. 15<sup>th</sup> Order as Document # 32 consists of a one page email, containing four paragraphs, and an eleven page attachment with several paragraphs. Defendants also respectfully bring to the Court's attention that the attachment does not appear to contain information about the process of transmitting the report. Rather, it consists of information found in other after-action review

documents that the Court ordered the redaction of in the Feb. 15<sup>th</sup> Order. Id. at 6 – 7. Defendants read the first paragraph of the email to be the only information as to the process of transmitting the report contained in Document # 32, and respectfully request the Court confirm that this paragraph, along with the sender, recipient, date and subject lines of the email, makes up the unredacted portions of Document # 32.

Thank you for your time and attention to this matter.

Respectfully submitted,

*Peter Scutero* /s

Peter Scutero  
Special Associate Counsel  
Special Federal Litigation Division

cc: ALL COUNSEL (via ECF)

The motion to clarify is granted. The Court incorrectly described Document # 32. On page 1 of the document, the first paragraph of the four paragraphs is non-deliberative. The next three paragraphs are deliberative. The header and sign-off information is non-deliberative (though phones numbers may be redacted). The remainder of the document is deliberative. The City shall produce the non-deliberative portions.

So Ordered.

  
GABRIEL W. CORENSTEIN  
United States Magistrate Judge

February 22, 2023